



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,261	03/12/2004	Kazumasa Kobayashi	826.1939	5852
21171	7590	07/23/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER PARIHAR, SUCHIN	
			ART UNIT 2825	PAPER NUMBER
			MAIL DATE 07/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/798,261	Applicant(s) KOBAYASHI, KAZUMASA	
	Examiner Suchin Parihar	Art Unit 2825	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 6/22/2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-18.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☒ Other: See Continuation Sheet.

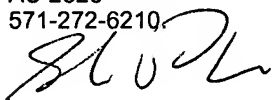

JACK CHIANG
 SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: the claim amendments and/or remarks fail to place the application into a condition for allowance.

Continuation of 13. Other: Response to Arguments follows:

1. With regard to Applicant's traversal of Examiner's rejections under 35 U.S.C. 102(b), the Examiner responds as follows:
2. In reference to Applicant's remarks regarding claims 1, 9 and 17, Applicant asserts that Kikuchi fails to teach or suggest: a calculation device to obtain contour information about the plurality of components from the storage device and to calculate a contour of a component region for collectively arranging the plurality of components using the obtained contour information and the indicated layout distance, as claimed in claim 1 and as similarly claimed in claims 9 and 17. Examiner disagrees with this assertion.
3. Examiner points out that Kikuchi teaches: a calculation device (layout data converter prepares segment data which approximates [i.e. calculates] octagonal configurations representing, among other elements, the component contours, Col 7, lines 57-67) to obtain (supplied by [i.e. obtained] the layout data memory 20, see Col 7, lines 1-5) contour information (component contours and substrate contour lines, Col 7, lines 57-67) about the plurality of components (i.e. "component" contours, Col 7, lines 57-67) from the storage device (layout data memory 20 [i.e. storage device], see Figure 3) and to calculate (approximate [i.e. calculate], Col 7, lines 57-67) a contour (component contours, Col 7, lines 57-67) of a component region (component contours approximated by octagonal configurations [i.e. regions], Col 7, lines 57-67) for collectively arranging ("arranges" - the layout data converter arranges component contours, Col 8, lines 1-10) the plurality of components (see list of components i.e. various graphic elements, Col 7, lines 57-67) using the obtained contour information (contour information supplied with layout data, see Col 7, lines 1-22) and the indicated layout distance (terminal [i.e. component] relative movement length [i.e. layout distance], see Col 7, lines 18-23 in conjunction with Figure 8).
4. In reference to Applicant's remarks regarding claims 8 and 16, Applicant asserts that Kikuchi fails to teach or suggest: the indication device indicates a reference component; and the calculation device calculates a contour of the component region in consideration of a relative position between the indicated reference component and the plurality of components. Examiner disagrees with this assertion.
5. Examiner points out that Kikuchi teaches: the indication device (terminal constraint graph generator indicates a pair of components, Col 7, lines 18-22) indicates a reference component (i.e. the other node, Col 7, lines 20-25; note that one node is allowed to move towards the other node wherein the "other node" is considered "a reference component"); and the calculation device (layout data converter prepares segment data which approximates [i.e. calculates] octagonal configurations representing, among other elements, the component contours, Col 7, lines 57-67) calculates (approximate [i.e. calculate], Col 7, lines 57-67) a contour (component contours, Col 7, lines 57-67) of the component region (component contours approximated by octagonal configurations [i.e. regions], Col 7, lines 57-67) in consideration of a relative position (relative position, see Figure 8, Examiner points out a contour [dashed lines in a circle] of the component above, wherein the position of said contour is between the component above the contour and the component [i.e. "via hole"] below the routing zone) between (therebetween is a necessary gap interposed, Col 5, lines 5-10) the indicated reference component (the other adjacent component [i.e. the indicated reference component], Col 5, lines 5-10) and the plurality of components (distance within which one adjacent component is allowed to move toward to other adjacent component, Col 5, lines 1-13).
6. With regard to Applicant's traversal of Examiner's rejections under 35 U.S.C. 102(b), the Examiner responds as follows:
7. Examiner acknowledges that Applicant's traversal of claims 5, 7, 13 and 15 are based on the traversal of claims rejected under 35 U.S.C. 102(b). However, Examiner points out that Kikuchi in view of Aubel teaches every element of claims 5, 7, 13 and 15 as indicated in the Final office action dated 3/21/2007.
8. Examiner maintains the rejections of claims 1-4, 6, 8-12, 14 and 16-18 under 35 U.S.C. 102(b), and also maintains the rejections of claims 5, 7, 13 and 15 under 35 U.S.C. 103(a).

Suchin Parihar
Examiner
AU 2825
571-272-6210




JACK CHIANG
SUPERVISORY PATENT EXAMINER